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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,205	03/19/2004	Susumu Hakamada	016907-1637	6508

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EXAMINER

DAHBOUR, HENRY

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,205	Applicant(s) HAKAMADA, SUSUMU	
	Examiner HENRY DAHBOUR	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2 and 6 are objected to because of the following informalities:

Both claims recite that the lamp "has reached a lifetime". If this means that the lamp has burned-out, then how can the burned-out lamp illuminate the white surface as claimed?

Appropriate clarification is requested.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo (U.S.6674977).

Regarding claim 1, Yoo discloses an image reading apparatus comprising an exposure lamp (see 21 in Figure 4), a photoelectric conversion device which converts an image at a region illuminated by the exposure lamp into an image signal (see 31 in Fig.3), a variable amplifier which amplifies the image signal output from the photoelectric conversion device at an instructed amplification factor (see 32 in Fig.3), a detecting unit which compares a level of the image signal obtained from the variable amplifier with a reference value and detects deterioration of the exposure lamp when a reference white surface is illuminated by the exposure lamp, with the amplification factor of the variable amplifier being set to a predetermined value (S23 in Fig.5, also see S41, S45, S46, S52 in Figure 8).

Regarding claim 2, Yoo discloses wherein the reference value is a value of data obtained from the variable amplifier when the reference white surface is illuminated by the exposure lamp with the amplification factor of the variable amplifier being set to the predetermined value (see S20 in Figure 5, also see S31, S35, S36 in Figure 6).

Regarding claim 4, Yoo discloses a display unit which displays a message to urge replacement of the exposure lamp when the deterioration is detected (see S52 in Figure 8).

Regarding claim 9, see rejection of claim 1.

Regarding claim 10, see rejection of claim 2.

4. Claims 5, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by JP7087267.

Regarding claim 5, JP7087267 discloses an image reading apparatus comprising an exposure lamp (see 5 in Figures 3, 4), a photoelectric conversion device which converts an image at a region illuminated by the exposure lamp into an image signal (see 10 in Figures 3, 4), a variable amplifier which amplifies the image signal output from the photoelectric conversion device at an instructed amplification factor (see 41 in Figure 1), an amplification factor adjusting unit which adjusts the amplification factor of the variable amplifier (see 43, 44, 31 in Figure 1) such that a level of the image signal obtained from the variable amplifier is a predetermined level (see "switch 43 decodes the digital control signal 44 outputted from the image processing portion 31, and is chosen" in paragraph 29, also see "compares...the amplified analog picture signal 45 with the high level side reference value and the low-level side reference value" in paragraph 30 in English translation of JP7087267) when a reference white surface is illuminated by the exposure lamp (see "read the white member" in paragraph 33 in English translation), a detecting unit which compares the amplification factor of the variable amplifier adjusted by the amplification factor adjusting unit with a reference amplification value, and which detects deterioration of the exposure lamp (see "when the amplification factor ...is over the predetermined amplification factor, the image processing portion tells that... while judging that the amount of illuminant light is the exchange time of a light source... output of a life attainment signal" in paragraph 36, also see "tell a user visually by displaying means" in paragraph 37 of English translation).

Regarding claim 6, JP7087267 discloses wherein the reference amplification value is an amplification factor of the variable amplifier in which the level of the image signal obtained from the variable amplifier is a predetermined level when the reference white surface is illuminated by an exposure lamp which is the same type as the exposure lamp (see "the image processing portion 31 receives the control signal which reads the white member 20, and it chooses the analog switch 43 by the digital control signal 44 so that the amplifier 41 may serve as a predetermined amplification factor" in paragraph 33 in English translation).

Regarding claim 8, JP7087267 discloses a display unit which displays a message to urge replacement of the exposure lamp when the deterioration is detected (see "exchange time of a light source...output of a life attainment signal" in paragraph 36, also see "tell a user visually by displaying means..." in paragraph 37 in English translation).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo (U.S.6674977) in view of Takeuchi (U.S.5978614).

Regarding claim 3, Yoo does not disclose terminating operation of the image reading apparatus when the deterioration is detected.

Takeuchi discloses this feature (see “memory for storing image data of the document as obtained by scanning, and wherein the image data is erased from the memory if the determination means does not determine that the light source illuminates appropriately” in lines 21-24 in column 10, also see “the image data stored in the storage means may be labeled 'effective' if the determination means determines that the light source is emitting a suitable light. Printing of the image as scanned may only be allowed if the image data is labeled 'effective' or 'valid' ” in lines 54-58 in column 2).

Yoo and Takeuchi are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Takeuchi with the device of Yoo.

The suggestion/motivation for doing so would have been to save time & money.

Therefore, it would have been obvious to combine Yoo with Takeuchi to obtain the invention specified in claim(s) 3.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP7087267 in view of Takeuchi (U.S.5978614).

Regarding claim 7, JP7087267 does not disclose terminating operation of the image reading apparatus when the deterioration is detected.

Takeuchi discloses this feature (see “memory for storing image data of the document as obtained by scanning, and wherein the image data is erased from the memory if the determination means does not determine that the light source illuminates appropriately” in

lines 21-24 in column 10, also see "the image data stored in the storage means may be labeled 'effective' if the determination means determines that the light source is emitting a suitable light. Printing of the image as scanned may only be allowed if the image data is labeled 'effective' or 'valid' " in lines 54-58 in column 2).

JP7087267 and Takeuchi are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Takeuchi with the device of JP7087267.

The suggestion/motivation for doing so would have been to save time & money.

Therefore, it would have been obvious to combine JP7087267 with Takeuchi to obtain the invention specified in claim(s) 7.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chizawa, Takeuchi ('944), Yoo et al ('145), Thompson ('448), Thompson ('227), Lien and Hakamada are cited to show imaging devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HD

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625